

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/552,957 Confirmation No.: 1635  
Applicant(s): Petay et al.  
Filed: 04/11/2008  
Art Unit: 1645  
Examiner: Lakia J. Tongue  
Title: IMMUNOMODULATOR PRODUCT OBTAINED FROM A  
BIFIDOBACTERIUM CULTURE AND COMPOSITIONS CONTAINING THE SAME

Docket No.: 033339/301225  
Customer No.: 00826

September 20, 2010

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT OF SATISFYING THE DEPOSIT REQUIREMENT  
UNDER 37 C.F.R. § 1.808

Sir:

I hereby state that:

1. The strain of *Bifidobacterium* recited in the Specification and the Claims of the present patent application was deposited with the deposited with the Collection Nationale de Cultures de Microorganismes, 25 rue du Docteur Roux, Paris, FRANCE on May 31, 1999 under accession number I-2219.

2. The above-stated deposit was made under the conditions prescribed by the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

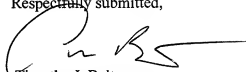
3. I also state that subject to the exception under 37 CFR § 1.808(b), all restrictions imposed by the depositor on the availability to the public of the deposited materials will be

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irrevocably removed upon the granting of the patent. I further state that the deposits fully meet the requirements of 37 CFR §§ 1.806-808, and in particular,

- 1) during pendency of the application, access to the invention will be afforded to the Commissioner upon request;
- 2) all restriction upon availability to the public will be irrevocably removed upon granting of the patent;
- 3) the deposit will be maintained in a public depository for a period of 30 years or 5 years after the last request, or for the effective life of the patent, whichever is longer; and
- 4) the deposit will be replaced if it should ever become inviable.

Respectfully submitted,



Timothy J. Balts  
Registration No. 51,429

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

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